

STAFF DISCUSSION DRAFT RE AB 646 (NOVEMBER 14 VERSION)

32802.        Appointment of a Factfinder Under MMBA.

(a)(1) Not sooner than 30 days after the appointment or selection of a mediator, pursuant either to the parties' agreement or a process required by a public agency's local rules, an exclusive representative may request that the parties' differences be submitted to a factfinding panel. The request shall be accompanied by documentation of the date on which a mediator was appointed or selected, and shall also be accompanied by evidence that the mediator has informed the parties that further mediation proceedings would be futile.

(2) In cases where the parties were not required to participate in mediation and did not agree to do so voluntarily, a request for factfinding may be filed not sooner than 30 days from the date that either party has served the other with written notice of a declaration of impasse.

(3) A request for factfinding must be filed with the appropriate regional office; service and proof of service pursuant to Section 32140 are required.

(b) The Board shall, within five working days from the date filed, notify the parties whether the request satisfies the requirements of this Section. If the request does not satisfy the requirements of subsection (a), above, no further action shall be taken by the Board.

(c) "Working days," for purposes of this Section only, shall be those days when the offices of the Public Employment Relations Board are officially open for business.

(d) The determination as to whether a request is sufficient shall not be appealable to the Board itself.

Authority cited: Sections 3509(a) and 3541.3(e) and (g), Government Code. Reference: Section 3505.4, Government Code.

32804.        Appointment of Person to Chair Factfinding Panel Under MMBA.

The Board shall select and appoint the chairperson unless notified by the parties that they have mutually agreed upon a person to chair the panel in lieu of a chairperson selected by the Board. In each case where the Board appoints the chairperson, the Board will submit seven names to the parties, drawn from the list of factfinders established pursuant to Government Code section 3541.3(d). The Board will, by random selection, designate one of the seven persons to serve as the chairperson unless the parties, by alternate strike or other methodology of their choice, select one of the seven persons to serve as chairperson. In no case will the Board be responsible for the costs of the chairperson.

Authority cited: Sections 3509(a) and 3541.3(e) and (g), Government Code. Reference: Section 3505.4, Government Code.